IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

TUESDAY, THE 26TH JUNE 2007 / 5TH ASHADHA 1929

CRP.No. 527 of 2007()

AGAINST THE ORDER DATED 20/01/2007 IN EA.138/05 IN EP.31/03 IN OS.95/2001 of SUB COURT,THODUPUZHA
.....

REVN. PETITIONER: PETITIONER/JUDGMENT DEBTOR NO.1

JOSSY ABRAHAM, AGED 50, S/O LATE N.A.ABRAHAM, NANTHIKATTUKANDATHIL HOUSE, ERUMELY KARA, ERUMELY VILLAGE, KANJIRAPPALLY TALUK, KOTTAYAM DISTRICT.

BY ADV. SRI.CHITTOOR RAJAMANNAR

RESPONDENTS: COUNTER PETITIONER/DECREE HOLDER
----

1. ROBIN ABRAHAM, AGED 54, S/O LATE N.A.ABRAHAM, NANTHIKATTUKANDATHIL HOUSE, KANJIRAPPALLY KARA, KANJIRAPPALLY TALUK, KOTTAYAM DISTRICT(PRESENTLY) MEENACHIL POST, POOVARANY VILLAGE, MEENACHIL TALUK, KOTTAYAM DISTRICT.(DECREE-HOLDER)

2. THE EXCISE COMMISSIONER, TRIVANDRUM.

3. BABY JOSEPH, RECEIVER, ADVOCATE, KATTAPANA IDUKKI DISTRICT.

BY

THIS CIVIL REVISION PETITION HAVING COME UP FOR ADMISSION ON 26/06/2007, ALONG WITH CRP NO. 528 OF 2007 THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

M.N. KRISHNAN, J.

= = = = = = = = = = = = = = =

C.R.P. NOs. 527 & 528 OF 2007

= = = = = = = = = = = = = = =

Dated this the 26th day of June, 2007.

O R D E R

These revision petitions are preferred against the order of the Subordinate Judge, Thodupuzha in E.A.138 and 139 of 2005 in E.P. 31/03 in O.S.95/01. The Court below held that the decree has become final and the decree is liable to be executed.

2. There was a similar case filed as CRP 337/07. In that case I had already taken a view that the judgments of the Court below has become final in view of the verdict given by the Apex Court and if the petitioner wants to challenge that decree on the ground that it is vitiated by fraud, institute a suit to set aside the decree by methods known to law. Now, what is sought to be executed is the decree and the Court below as an executing Court is bound to do it. The Court below had considered and found that both these applications are not entertainable and therefore dismissed. I do not find any reason to deviate from the said finding. Therefore, it is confirmed as there is no illegality or

irregularity which warrants interference at the hands of this Court. Therefore, the revision petitions lack merit and are dismissed.

M.N. KRISHNAN, JUDGE.

ul/-